

### REMARKS

This Response is made to the Office Action dated August 14, 2006. Claims 1-20 are pending in this application. Reconsideration of all pending claims is respectfully requested in view of the following discussion concerning the cited prior art.

The Examiner has rejected claims 1-20 under the judicially created doctrine of obviousness-type double rejection as being unpatentable over claims 1-68 of U. S. Patent No. 6,679,909. Applicants hereby submit a Terminal Disclaimer to over come this rejection.

Claims 1-3, 7, 8, 10, 11 and 13 were rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 5,730,725 to Yoon (the "Yoon patent"). Applicants, however, strongly disagree with the Examiner's interpretation of the Yoon patent. First, it is noted that the Yoon patent is directed to a medical instrument used in performing endoscopic procedures in which organ structures within an anatomical cavity are separated or elevated by the use of an inflatable balloon supplied by medical instrument. The size and shape of the inflatable balloon in the Yoon patent is created by a movable collar slidably disposed on the outer surface of instrument. The Yoon patent simply does not provide a catheter assembly for delivering a medical device, such as a stent, for implantation in a patient.

The components identified by the Examiner as the inner member and outer member in the Yoon patent are not dimensioned for axial movement. Rather, in the embodiment of Figures 1-4F, the distal ends of the inner member 16 and outer member 18 are sealed to each other at a circumferential distal seal 30 (See Fig. 1 and Column 7,

lines 9-12). In the embodiment of Figure 12, the ends of the inner member 316 and outer member 318 are connected at a distal seal 330 (See Figure 12 and Column 19, line 33-37). Therefore, there is no axial movement between these members. For this reason alone, the Yoon patent fails to disclose the most basic structure recited in the present claims. The Yoon patent also fails to disclose an inner member having a spring or expanding member connected thereto or an outer member having a wall opening for receiving the expanding member. Since the components identified by the Examiner as the inner member and outer member are required to be sealed to each other, the inner member cannot possibly have a distal portion adapted to receive a medical device and the outer member cannot possibly be retractable to uncover the medical device. Again, the Yoon patent lacks even the most basic structure recited in the pending claims. For this reason alone, Applicants respectfully request the Examiner to withdraw the Yoon patent as an anticipatory reference.

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,792,144 to Fischell et al. (the "Fischell patent") in view of U.S. Patent No. 3,880,483 to Snyder (the "Snyder patent"). Applicants traverse this rejection because the Examiner has not demonstrated all of the elements of a prima facie case of obviousness. The combination of the Fischell patent and Snyder patent is improper because the Snyder patent is non-analogous art. The Snyder patent is not related to the Applicants' field of endeavor, and therefore, is not reasonably pertinent to the particular problem being solved by Applicants' currently claimed invention. The Snyder patent is directed to ball bearing assemblies, particularly a ball bearing 120

having an inner race 121 interlocked by a shaft 41 by a spring locking part 122. A person of ordinary skill in the art would not reasonably be expected to look to the field of ball bearing locking systems for a solution to a problem in the field of a catheter assembly which uses rapid exchange technology for deploying a medical device, such as a stent, into a body vessel of a patient. (MPEP 2141.01(a)). Applicants aver that the references contain no explicit reason, suggestion or motivation for a person of ordinary skill to combine or modify the references in the way proposed by the Examiner. Further, there is no logical implicit reason to make the suggested combination, especially since the Snyder patent is non-analogous art.

The Examiner states that it would have been obvious to one skilled in the art to ... make the spring of Fischell et al. in view of Snyder, Jr. from the material as claimed in order to provide flexibility, strength and biocompatibility for the locking mechanism. (page 4, line 8-11 of the Office Action)

First, and foremost, the Fischell patent does not disclose the use of a spring in a catheter locking mechanism. The Fischell patent merely discloses a key 67 which extends in a slot 62 formed on a sheath 61 of the catheter system. The Fischell patent simply fails to recognize the benefits of using an expanding member which will disengage from the slot of the outer member as the outer member is being retracted to deploy the medical device. Moreover, in the Snyder patent, disengagement of the spring locking part 122 from the rotating components of the ball bearing system is not disclosed or desired. Thus, the combination of references suggested by the Examiner is improper since the Snyder patent is non-analogous art and the Snyder patent actually teaches away from disengagement.

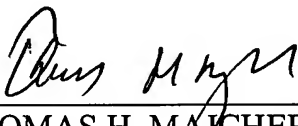
For these reasons alone, one skilled in the art would not combine the Fischell patent with the Snyder patent as suggested by the Examiner. Applicants respectfully request the Examiner to withdraw the 103(a) rejection for this reason alone.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicant respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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